

## **TITLE 326 AIR POLLUTION CONTROL BOARD**

### **LSA Document #04-279**

#### **SUMMARY/RESPONSE TO COMMENTS RECEIVED AT THE FIRST PUBLIC HEARING**

On September 5, 2007, the Air Pollution Control Board (board) conducted the first public hearing/board meeting concerning the development of amendments to 326 IAC 6.5 and 326 IAC 6.8 and repeal of certain sections. Comments were made by the following parties:

Mark Coleman (MC)  
Lin Kaatz Chary (LC)  
Karen Kroczek (KK)  
Charlotte Read (CR)

Following is a summary of the comments received and IDEM's responses thereto:

*Comment:* IDEM should clarify what is happening with this rulemaking. Is IDEM requiring the most stringent limits possible for BP? (MC)

*Response:* While there are many emissions limits that are decreasing at BP there are emission limits that are increasing in this rulemaking. The increases for emission units that burn natural gas and refinery gas do not reflect actual emissions increases at the source, but rather a more accurate quantification of particulate matter emissions that were already occurring. U.S. EPA issued updated emission factors for calculating natural gas combustion particulate matter emissions that are approximately 50% more than the previous estimate. The emission limits that IDEM is proposing as part of this rulemaking for units burning natural gas and refinery gas include the filterable and condensable portion of particulate matter. Previously the emission limits in the rule only reflected what could be measured by considering the filterable portion of particulate matter. Since natural gas and refinery gas is already considered a clean burning fuel, these are the most stringent limits possible for BP.

*Comment:* Is the board being asked to preliminarily adopt the rule today? (MC)

*Response:* The board is being asked to preliminarily adopt the rule presented by IDEM with a vote for or against the draft rule language. The rule will be brought before the board again at final adoption either to adopt the rule as preliminarily adopted or as preliminarily adopted with changes.

*Comment:* It sounds like some of the emission limits in this rule are increasing. One would hope that we are moving towards reducing emission limits to improve air quality. Why are there some increases? (LC)

*Response:* There are some limits in this rulemaking that are increasing. In areas where there are increases modeling has been used to show that the National Ambient Air Quality Standards (NAAQS) are still maintained. In many instances where there are emission limit increases there are also decreases at the same source due to units that have shut down or have reduced emissions. The emission limits for the units burning natural gas and refinery gas at BP are increasing to address the 1998 updated emissions factor that includes the filterable and condensable portion of particulate matter.

*Comment:* IDEM should explain how to comment on rules prior to final adoption. (CR)

*Response:* Comments on this specific rulemaking can be made during the third comment period, as requested in this notice, or at the public hearing prior to final adoption by the board. The public hearing for final adoption of this rule is currently scheduled for November 7, 2007. Information on how the public can participate in the rulemaking process is available on IDEM's website at: <http://www.in.gov/idem/rules/involved.html>.

*Comment:* Are meeting minutes public records and where can someone purchase a copy? (KK)

*Response:* Yes, meeting minutes are public records. Minutes for previous board meetings are included in the air board packet and are available on IDEM's website at: <http://www.in.gov/idem/rules/packets/#air>. A transcript of each air board meeting is also available for copying or inspection at IDEM's central office in Indianapolis. Also, depending on the length of the board meeting, the transcript can be scanned and sent by email upon request.

*Comment:* Can comments for a rulemaking notice be emailed? (KK)

*Response:* No, currently the procedure for submitting comments during the first, second, and third, if applicable, comment periods calls for submission of comments by fax, mail, or hand delivery.